

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE 12/11/2012	(3) CONTACT/PHONE Geoff O'Quest 805-781-5011	
(4) SUBJECT Request to approve Amendment #2 to the County's contract with Maguire and Ashbaugh for Public Defender Services to add a part-time Specialty Court Advocate position in the amount of \$40,000 from AB 109 funding for the remainder of FY 2012-13.			
(5) RECOMMENDED ACTION It is recommended that the Board approve and direct the Chair to sign Amendment #2 to the existing contract with Maguire and Ashbaugh for Public Defender services.			
(6) FUNDING SOURCE(S) AB 109 Public Safety Realignment funding	(7) CURRENT YEAR FINANCIAL IMPACT \$40,000.00	(8) ANNUAL FINANCIAL IMPACT \$80,000.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>10/30/12, #16</u>	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the County Administrative Office.			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Administrative Office / Geoff O'Quest
805-781-5011

DATE: 12/11/2012

SUBJECT: Request to approve Amendment #2 to the County's contract with Maguire and Ashbaugh for Public Defender Services to add a part-time Specialty Court Advocate position in the amount of \$40,000 from AB 109 funding for the remainder of FY 2012-13.

RECOMMENDATION

It is recommended that the Board approve and direct the Chair to sign Amendment #2 to the existing contract with Maguire and Ashbaugh for Public Defender services.

DISCUSSION

Summary:

On October 30, 2012, you Board approved an update to the 2011 Public Safety Realignment Act (AB109) Implementation Plan. The plan included plans to spend approximately \$4.9 million of AB 109 revenue in FY 2012-13 for various expenses related to offender housing in the county jail, community supervision and treatment, and the addition of 9.00 FTE positions. The treatment portion of the plan included the addition of a part-time Specialty Court Advocate position to be provided by the County's primary Public Defender firm, Maguire and Ashbaugh. The recommendation above formalizes the addition of this position, which was approved by your Board on October 30, 2012, as an amendment to the primary Public Defender contract.

Background:

The 2011 Public Safety Realignment Act (AB 109) was signed into law on April 4, 2011. AB 109 transfers responsibility from the State to counties for offenders convicted of certain lower level felonies, defined as non-serious, non-violent, nonregistered sex offenses. AB 109 requires that a plan for providing for the housing, supervision and treatment of these offenders be developed and presented to the Board of Supervisors for their review and approval.

To draw up this plan, the law creates an Executive Committee of the Community Corrections Partnership (CCP). (The CCP is a pre-existing body, created under Penal Code Section 1230.) The Executive Committee must include the following voting members, by agency:

- Chief Probation Officer (Jim Salio, Committee Chair)
- A Chief of Police (Robert Burton, Acting Chief of Police, Paso Robles)
- Sheriff (Ian Parkinson)
- District Attorney (Gerald Shea)
- Public Defender (Patricia Ashbaugh)
- Presiding Judge of the Superior Court or designee (Susan Matherly, Court Executive Officer)
- A representative from the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse programs, as chosen by the Board of Supervisors (Jeff Hamm, Health Agency Administrator)

The plan addresses the three key areas of the local criminal justice system that will be affected by realignment to ensure public safety is maintained. The three key areas are: Housing, Supervision, and Treatment and Programming.

In October of 2011, your Board approved the 2011 Public Safety Realignment Act (AB109) Implementation Plan, which included budgeted expenditures for FY 2011-12 and projected expenditures for FY 2012-13. In October of 2012, based on revised allocation information from the State, your Board approved an updated plan that included budgeted expenditures for FY 2012-13 and projected expenditures for FY 2013-14.

One of the items included in the approved update was a part-time (25 hours per week) Specialty Court Advocate position. This position will be provided by the County's primary Public Defender firm, Maguire and Ashbaugh, which serves under contract to the County. The Specialty Court Advocate position will represent indigent persons participating in specialty courts including Prop 36, Drug Court, Adult Treatment Court Collaborative (ATCC), and Behavior Health Treatment Court. The Specialty Court Advocate will facilitate the referral and participation of indigent defendants to appropriate rehabilitation programs. The position will help defendants apply for needed services, aid in the development of sentencing alternatives, and monitor cases during any probationary periods.

This position will serve for the remainder of FY 2012-13. Continuation of the position will be dependent on renewed funding and approval by the CCP Executive Committee and the County Board of Supervisors for succeeding fiscal years.

OTHER AGENCY INVOLVEMENT/IMPACT

The proposed amendment to the contract with Maguire and Ashbaugh has been reviewed and approved by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

The County's primary Public Defender, the firm of Maguire and Ashbaugh, will receive compensation of \$6,666 per month, a total of \$40,000 for 25 hours per week of a Specialty Court Advocate position, through June 30, 2013 (the end of FY 2012-13). Funding for this position will be provided by AB 109 Public Safety Realignment revenue received from the State. No County General Fund will be used to fund this position. The updated AB 109 plan approved by your Board on October 30, 2012 included a budget adjustment for \$40,000 of revenue and expense appropriation, so no budget adjustment is needed as part of this agenda item. Continued funding for this position in future fiscal year is contingent of the recommendation of the CCP Executive Committee and approval by the Board of Supervisors.

RESULTS

Maguire and Ashbaugh will maintain records of all Specialty Court Advocate referrals, the number of clients provided with services, the number of clients completing programs and the number hours devoted to all duties. These records will be provided to the Community Corrections Partnership (CCP) Executive Committee for review and assessment of results. The addition of the Specialty Court Advocate will provide legal services to indigent defendants participating in specialty courts that will help them to advance in their rehabilitation. The successful rehabilitation of offenders directly supports the two main goals of AB 109 Public Safety Realignment: to reduce recidivism and protect public safety. This in turn supports the County's goal of safe and livable community.

ATTACHMENTS

Amendment #2 to the County's Primary Public Defender Contract with Maguire and Ashbaugh